

REMARKS

Reconsideration of the above identified patent application is hereby respectfully requested in view of the foregoing amendments and following remarks. Claims 2, 4, 5, and 8-10 have been canceled and claims 1, 3, 6, and 7 have been amended. New claim 11 has been added. Claims 1, 3, 6, 7, and 11 remain in the case.

The applicant appreciates the thoroughness of the review by Examiner Jonathan R. Miller.

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for a one-month extension is attached hereto.

1-15. The recitation of 35 U.S.C. 112 second paragraph and the rejection of claims 2-7 and 8-10 thereunder, is noted.

Claims 8-10 have been canceled, therefore the Office Action items that apply thereto are believed to be overcome.

The lack of antecedent basis (Office Action item numbers 3, 4, 6, 8, 11, 12, are believed to have been corrected in the remaining claims.

Claim 1 has been amended to eliminate certain "means plus function" language and to simply recite the secondary screen and its structure in positive recitations of elements, thereby eliminating the potential for additional indefiniteness.

Regarding Office Action number 5, claim 7 has been amended to recite with positive language the cyclical action of the secondary screen when concrete is poured thereon. It is believed that the instant language is both clear and definite.

Regarding Office Action number 15, it is essential that the openings in the screen be smaller than those of the grate. This appertains to the heart of the invention and this limitation is now included in instant claim 1. The specification describes the prior art problem of rocks and other objects passing through the grate and later becoming lodged in the hose. It is essential to remove objects that are small enough to pass through the grate but which are large enough to later impede the flow of concrete through

the hose. The secondary screen must permit concrete to pass through the secondary screen while trapping objects that are larger than its opening size (that of the secondary screen). By properly selecting the opening size of the secondary screen to be small enough to permit only small enough objects to pass there-through that will not later obstruct the hose, a substantial benefit is provided.

This creates a potential problem for use, which is why simply providing the grate with smaller openings will not work. The "smaller" objects that are trapped accumulate and prevent concrete from continuing to pour into the hopper. The concrete would then pour over the objects (on the grate) and onto the ground, being wasted. The instant invention (claim 1) positively recites the secondary screen as being disposed over the grate and over the hopper and being hingedly attached to the trailerable line pump. The hinge permits movement of the secondary screen that automatically conveys objects trapped by it off of the secondary screen, as element "d" positively recites.

Therefore, a further substantive benefit (self-cleaning of objects and without any complex power driven mechanism to do so) is provided.

Support thereof of the instant amendments and an enabling description of the operation thereof is found throughout the original disclosure (see Background, Objects, and Detailed Description).

Accordingly, all remaining rejections under 35 USC 112 are believed to be overcome and reconsideration is respectfully requested.

16-20. The recitation of 35 USC 102 (b) is noted. Elements from the now-canceled claims have been included in instant claim 1 and have been more positively recited, as well. Other changes are to correct resultant errors in antecedent basis arising from the instant amendments.

With regard to Office Action number 17, instant claim 1 positively recites that the secondary screen is disposed over the hopper and over the grate, thereby well-differentiating apart from the disclosure of Barry (which is under the hopper). As the location of the secondary screen in the claim is positively recited and as this location is essential for operation (it must be above the grate and hopper to catch the object before the object is allowed to pass through the grate), it is now a claim limitation and is deserving of patentable weight accordingly.

With regard to Office Action number 18, amended claim 1 now includes the limitation of canceled claim 2. Attachment of the screen to permit pivoting thereof is, as previously described, a claim limitation that is essential to proper operation of the instant invention.

With regard to Office Action number 19 the prior art fails to disclose a secondary screen disposed above the hopper and grate and adapted to pivot about an axis, as claimed.

With regard to Office Action number 20, claim seven has been extensively amended to more positively recite the invention. Instant claim 7 specifies attachment points and detailed motion of the screen and of the effect produced by the newly recited, "means for applying a force". Accordingly, instant claim 7 is believed to well-differentiate apart from the hose and pump elements of Barry.

As all remaining claims 1, 3, 6, and 7 appear to be in condition of allowance, reconsideration thereof is respectfully requested as is consideration of newly added claim 11 (which recites an elastomer, a previously defined

claim limitation), and a notice of allowance is courteously urged at the earliest time.

21. The applicant appreciates the opportunity to communicate by telephone with the Examiner, if necessary. Please continue to direct all correspondence to the correspondence address and telephone as shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Rinne', with a stylized flourish at the end.

Risto A. Rinne, Jr.
Reg. # 37,055

2173 East Francisco Blvd.
Suite E
San Rafael, CA 94901

1-415-457-6933